IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

BAIL APPL..NO. 7499 OF 2006()

CC.335/2006 OF J.M.F.C.,VADAKARA
CRIME NO.289/06 OF VADAKARA POLICE STATION

.....

: PETITIONER/ACCUSED

VIJAYAN.P., S/O.GOVINDAN,
CHANTHANKANDI PARAMBA, THADAMBATTU THAZHAM,
KARAPARAMBA (PO), KOZHIKODE.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS: COMPLAINANT & STATE

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1. SUB INSPECTOR OF POLICE,
VADAKARA POLICE STATION, VADAKARA.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7499 OF 2006

DATED THIS THE 19TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the sole accused in Crime No.289/06 of Vadakara Police Station for an offence punishable under section 420 IPC in respect of a motor vehicle deal, seeks anticipatory bail.

2. Admitedly, consequent on the non-appearance of the petitioner before the J.F.C.M., Vadakara where the case is pending as C.C.No.335/06, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the trial court and files an application for regular bail, within 10 days from today, the same shall be considered and disposed of, preferably on the same date on which it is filed after considering the grievance of the petitioner that he did not receive summons in the case.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn